

105TH CONGRESS  
2D SESSION

# H. R. 4558

To make technical amendments to clarify the provision of benefits for noncitizens, and to improve the provision of unemployment insurance, child support, and supplemental security income benefits.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 1998

Mr. SHAW (for himself and Mr. LEVIN) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To make technical amendments to clarify the provision of benefits for noncitizens, and to improve the provision of unemployment insurance, child support, and supplemental security income benefits.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Noncitizen Benefit  
5 Clarification and Other Technical Amendments Act of  
6 1998”.

1 **SEC. 2. CONTINUING ELIGIBILITY FOR SSI AND MEDICAID**  
2 **FOR NONQUALIFIED ALIENS WHO WERE RE-**  
3 **CEIVING BENEFITS ON THE DATE OF THE EN-**  
4 **ACTMENT OF THE PERSONAL RESPONSIBIL-**  
5 **ITY AND WORK OPPORTUNITY RECONCILI-**  
6 **ATION ACT OF 1996.**

7 Section 401(b) of the Personal Responsibility and  
8 Work Opportunity Reconciliation Act of 1996 (8 U.S.C.  
9 1611(b)) is amended by inserting after paragraph (4) the  
10 following new paragraph:

11 “(5)(A) Subsection (a) shall not apply to eligi-  
12 bility for benefits for the program defined in section  
13 402(a)(3)(A) (relating to the supplemental security  
14 income program) for an alien who was receiving  
15 such benefits on August 22, 1996.

16 “(B) An alien who is receiving benefits pursu-  
17 ant to subparagraph (A) shall be eligible for medical  
18 assistance under a State plan under title XIX of the  
19 Social Security Act (42 U.S.C. et seq.) (relating to  
20 the medicaid program) under the same terms and  
21 conditions that apply to other recipients of benefits  
22 under such program.”.

1 **SEC. 3. EXTENSION OF AUTHORIZATION OF SELF-EMPLOY-**  
2 **MENT ASSISTANCE PROGRAMS.**

3 (a) IN GENERAL.—Paragraph (2) of section 507(e)  
4 of the North American Free Trade Agreement Implemen-  
5 tation Act (26 U.S.C. 3306 note) is hereby repealed.

6 (b) CONFORMING AMENDMENTS.—Subsection (e) of  
7 section 507 of such Act is further amended—

8 (1) by amending the heading after the sub-  
9 section designation to read “EFFECTIVE DATE.—”;  
10 and

11 (2) by striking “(1) EFFECTIVE DATE.—” and  
12 by running in the remaining text of subsection (e)  
13 immediately after the heading therefor, as amended  
14 by paragraph (1).

15 **SEC. 4. REDUCTION OF PENALTY FOR STATE FAILURE TO**  
16 **MEET DEADLINE FOR COMPLIANCE WITH**  
17 **CHILD SUPPORT DATA PROCESSING AND IN-**  
18 **FORMATION RETRIEVAL REQUIREMENTS IF**  
19 **PERFORMANCE OF CERTAIN ASPECT OF**  
20 **STATE IV-D PROGRAM MEETS PERFORMANCE**  
21 **THRESHOLD.**

22 (a) IN GENERAL.—Section 455(a)(4)(C) of the Social  
23 Security Act (42 U.S.C. 655(a)(4)(C)) is amended by add-  
24 ing at the end the following:

25 “(iii) The Secretary shall reduce the amount of any  
26 reduction that, in the absence of this clause, would be re-

1 quired to be made under this paragraph by reason of the  
 2 failure of a State to achieve compliance with section  
 3 454(24)(B) during the fiscal year, by an amount equal  
 4 to 20 percent of the amount of the otherwise required re-  
 5 duction, for each State performance measure described in  
 6 section 458A(b)(4) with respect to which the applicable  
 7 percentage under section 458A(b)(6) for the fiscal year  
 8 is 100 percent, if the Secretary has made the determina-  
 9 tion described in section 458A(b)(5)(B) with respect to the  
 10 State for the fiscal year.”.

11 (b) EFFECTIVE DATE.—The amendment made by  
 12 subsection (a) of this section shall take effect as if in-  
 13 cluded in the enactment of section 101(a) of the Child  
 14 Support Performance and Incentive Act of 1998, and the  
 15 amendment shall be considered to have been added by sec-  
 16 tion 101(a) of such Act for purposes of section  
 17 201(f)(2)(B) of such Act.

18 **SEC. 5. ELIGIBILITY OF NONRESIDENT ALIENS TO RENEW**  
 19 **PROFESSIONAL LICENSES.**

20 (a) FEDERAL.—Section 401(c)(2) of the Personal  
 21 Responsibility and Work Opportunity Reconciliation Act  
 22 of 1996 (8 U.S.C. 1611(c)(2)) is amended—

23 (1) at the end of subparagraph (A) by striking  
 24 “or”;

1 (2) at the end of subparagraph (B) by striking  
 2 the period and inserting “; or”; and

3 (3) by inserting after subparagraph (B) the fol-  
 4 lowing new subparagraph:

5 “(C) to the renewal of a professional li-  
 6 cense by a nonresident alien.”.

7 (b) STATE OR LOCAL.—Section 411(c)(2) of the Per-  
 8 sonal Responsibility and Work Opportunity Reconciliation  
 9 Act of 1996 (8 U.S.C. 1621(c)(2)) is amended—

10 (1) at the end of subparagraph (A) by striking  
 11 “or”;

12 (2) at the end of subparagraph (B) by striking  
 13 the period and inserting “; or”; and

14 (3) by inserting after subparagraph (B) the fol-  
 15 lowing new subparagraph:

16 “(C) to the renewal of a professional li-  
 17 cense by a nonresident alien.”.

18 **SEC. 6. CLARIFICATION OF OBLIGATION OF WELFARE-TO-**  
 19 **WORK FUNDS.**

20 (a) IN GENERAL.—Section 403(a)(5)(A)(iv)(II) of  
 21 the Social Security Act (42 U.S.C. 603(a)(5)(A)(iv)(II))  
 22 is amended by striking “or sub-State entity” and inserting  
 23 “, other than funds reserved by the State for distribution  
 24 under clause (vi)(III) and funds distributed pursuant to

1 clause (vi)(I) in any State in which the service delivery  
2 area is the State”.

3 (b) RETROACTIVITY.—The amendment made by sub-  
4 section (a) shall take effect as if included in the enactment  
5 of section 5001 of the Balanced Budget Act of 1997.

6 **SEC. 7. DISREGARD OF LIMITED AWARDS MADE TO CHIL-**  
7 **DREN WITH LIFE-THREATENING CONDITIONS**  
8 **UNDER THE SUPPLEMENTAL SECURITY IN-**  
9 **COME PROGRAM.**

10 (a) IN GENERAL.—Section 1612(a)(2)(C) of the So-  
11 cial Security Act (42 U.S.C. 1382a(a)(2)(C)) is amended  
12 by inserting “, except a cash award of not more than  
13 \$2,000 made by a tax-exempt organization (as defined in  
14 section 501(c)(3) of the Internal Revenue Code of 1986)  
15 to, or for the benefit of, a child with a life-threatening  
16 condition” before the semicolon.

17 (b) RETROACTIVITY.—The amendment made by sub-  
18 section (a) shall apply to awards made on or after the date  
19 that is 2 years before the date of the enactment of this  
20 Act.

21 **SEC. 8. ENHANCED RECOVERY OF SSI OVERPAYMENTS**  
22 **FROM SOCIAL SECURITY BENEFITS.**

23 (a) IN GENERAL.—Part A of title XI of the Social  
24 Security Act is amended by adding at the end the follow-  
25 ing new section:

1 “RECOVERY OF SSI OVERPAYMENTS FROM SOCIAL  
2 SECURITY BENEFITS

3           “SEC. 1147. (a) IN GENERAL.—(1) Whenever the  
4 Commissioner of Social Security determines that more  
5 than the correct amount of any payment has been made  
6 under the supplemental security income program under  
7 title XVI of this Act (including, for purposes of this sec-  
8 tion, under section 1616(a) of this Act or section 212(b)  
9 of Public Law 93–66) to a person who is not eligible for  
10 cash benefits under the program, the Commissioner, not-  
11 withstanding section 207 of this Act but subject to para-  
12 graph (2) of this subsection, may recover the amount in-  
13 correctly paid by decreasing any amount which is payable  
14 to the person under title II of this Act in any month by  
15 not more than 10 percent.

16           “(2) The 10 percent limitation set forth in paragraph  
17 (1) shall not apply to an overpayment made to a person  
18 if—

19           “(A) the person or the spouse of the person was  
20       involved in willful misrepresentation or concealment  
21       of material information in connection with the over-  
22       payment; or

23 “(B) the person so requests.

24 “(b) NO EFFECT ON SSI ELIGIBILITY OR BENEFIT  
25 AMOUNT.—In any case in which the Commissioner of So-

1 cial Security takes action in accordance with subsection  
 2 (a) to recover an amount incorrectly paid to any person,  
 3 neither that person, nor any individual whose eligibility  
 4 for benefits under the supplemental security income pro-  
 5 gram under title XVI, or whose amount of such benefits,  
 6 is determined by considering any part of that person's in-  
 7 come, shall, as a result of such action—

8 “(1) become eligible for benefits under such  
 9 program, or

10 “(2) if such person or individual is otherwise so  
 11 eligible, become eligible for increased benefits under  
 12 such program.”.

13 (b) CONFORMING AMENDMENTS.—

14 (1) Section 204 of such Act (42 U.S.C. 404) is  
 15 amended by adding at the end the following:

16 “(g) For payments which are adjusted or withheld  
 17 to recover an overpayment of supplemental security in-  
 18 come benefits paid under title XVI of this Act (including  
 19 State supplementary payments paid under an agreement  
 20 pursuant to section 1616(a) of this Act or section 212(b)  
 21 of Public Law 93–66), see section 1147.”.

22 (2) Section 1631(b) of such Act (42 U.S.C.  
 23 1383(b)) is amended by adding at the end the fol-  
 24 lowing:



1       “(8) For provisions relating to the recovery of bene-  
2   fits incorrectly paid under this title from benefits payable  
3   under title II, see section 1147.”.

4       (c) EFFECTIVE DATE.—The amendments made by  
5   this section shall take effect on the date of the enactment  
6   of this Act and shall apply to amounts incorrectly paid  
7   which remain outstanding on or after such date.

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